

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:
Heike SCHLUCKWERDER et al.

For: GLASS-CERAMIC COMPOSITE
MATERIAL, CERAMIC SUBSTRATE
LAMINATE OR MICROHYBRID
HAVING THIS COMPOSITE AND A
METHOD FOR PRODUCING IT

Filed: August 30, 2005

Serial No.: 10/523,251

Examiner: John A. Hevey

Art Unit: 1793

Confirmation No.: 1129

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office via the Office electronic filing system on **January 27, 2009**.
Signature: /Wendy Espinal/
Wendy Espinal

TRANSMITTAL FOR REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

SIR:

Accompanying this Reply Brief Transmittal is a Reply Brief pursuant to 37 C.F.R. § 41.41 for filing in the above-identified patent application. The two-month response date to the Examiner's Answer dated December 3, 2008 is February 3, 2009.

While no fee is believed to be due, the Commissioner is authorized to charge, as necessary and/or appropriate, any additional and appropriate fees (including any extension fees) or credit any overpayment to Deposit Account No. **11-0600**.

Respectfully submitted,

Dated: January 27, 2009

By: /Clifford A. Ulrich/
Clifford A. Ulrich, Reg. No. 42,194 for
Gerard A. Messina (Reg. No. 35,952)

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200
CUSTOMER NO. 26646

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REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

SIR:

In response to the Examiner's Answer dated December 3, 2008 (the two-month response date for which is February 3, 2009), Appellants submit the present Reply Brief in connection with the above-captioned application. For the reasons more fully set forth below and in the "Appeal Brief Pursuant to 37 C.F.R. § 41.37" ("the Appeal Brief"), it is respectfully submitted that the present rejections should be reversed.

Regarding the rejections raised under 35 U.S.C. § 103(a), U.S. Patent Not. 6, 054, 220 ("Mroz"), at column 2, lines 36 to 46, the reference describes the silica coated AlN powders, having oxygen contents in the 2-4% range, as insufficient for the rigors of mechanical processing. Silica coated AlN powders, as described, break down during processing, since these powders do not exhibit satisfactory damage tolerance. Further, Mroz describes problems with hydrolysis stability, leading to weight gain. It is this silica coated AlN powder being cited by the Examiner as rendering unpatentable the present invention. Applicants respectfully submit that a person of ordinary skill in the art would not combine

Ayako with the silica coated AlN powders of Mroz, due to this weakness and insufficiency for mechanical processing.

In the response to arguments, the Examiner asserts that one of ordinary skill in the art reading Mroz would have associated the “oxygen contents in the 2-4% range” language of column 2, line 21, with the listed oxygen weight percentages of Table 1, so as to determine that “2-4%” relates to a weight percentage. The content of Table 1, however, does not include any listed oxygen weight percentage below 2.4% for any powder containing silica coating, but does include a listed oxygen weight percentage of 13.3%. As the disclosed oxygen content range of Table 1 is 2.4-13.3 wt. %, it does not follow that one of ordinary skill in the art would have read the “2-4% range” language to refer to a weight percentage. Further, claim 15 features a ceramic filler having an oxygen content of 0.5-2.0 wt. %, well outside of the 2.4-13.3 wt. % range of Table 1 of Mroz. Accordingly, with respect to Mroz, Table 1 does not lead one of ordinary skill in the art to read the reference as disclosing the 0.5-2.0 wt. % of oxygen of claim 15.

Furthermore, the combination of Mroz and Ayako does not enable -- as it must for a finding of obviousness -- a person of ordinary skill in the field to make and use the subject matter claimed in the present application. *In re Kumar*, 418 F.3d 1361 (Fed. Cir. 2005).

For at least the reasons indicated above and in the Appeal Brief, Appellant respectfully submits that all of the rejections set forth in the Final Office Action should be reversed.

Respectfully submitted,

Dated: January 27, 2009

By: /Clifford A. Ulrich/
Clifford A. Ulrich, Reg. No. 42,194 for
Gerard A. Messina (Reg. No. 35,952)

KENYON & KENYON LLP
One Broadway
New York, New York 10004
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